


MIAMI BEACH

OFFICE OF THE CITY ATTORNEY

LETTER TO COMMISSION

LTC No. 442-2016

TO: Mayor Philip Levine and Members of the City Commission
FROM: Raul J. Aguila, City Attorney 
DATE: October 20, 2016
SUBJECT: Victory in *Chakra 5, Inc. et al v. City of Miami Beach, et al*

I am pleased to inform you of the City's most recent court victory in Chakra 5, Inc. v. City of Miami Beach, a case alleging multiple federal constitutional violations against the City. The Plaintiffs in the case sought to hold the City liable for multiple millions of dollars in alleged losses arising out of bribery and extortion by City Code Enforcement officers and fire inspectors at the Plaintiffs' nightclub in 2011. On October 14, 2016, after a long court battle, Miami-Dade Circuit Court Judge Gisela Cardonne Ely granted our Motion to Dismiss the Amended Complaint with prejudice.

As many of you know, Plaintiffs were represented by two sets of aggressive and reputable law firms in the case, who worked hard to secure judgment in their favor. They subjected multiple City management employees to lengthy depositions, necessitating grueling preparation sessions for each. Recently, Plaintiffs sought to take depositions of former City Commissioners, which we resisted in court. This was a hard fought victory.

Lead counsel on the case was First Assistant City Attorney Rob Rosenwald, joined by a litigation team including Chief Deputy Don Papy, and Senior Assistant City Attorney Nick Kallergis.

City Attorney Fellow, Ben Van Horn, and our legal administrator support staff, Brett Becker, and Jamie Morales, who all worked hard to achieve this victory. Please join me in congratulating the entire litigation team on this impressive victory!

RR/RJA/mmm